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Attorneys for Defendants  
DEREK KAWAKAMI, ARRYL  
KANESHIRO and COUNTY OF KAUAI

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HAWAIIAN KINGDOM, ) CIVIL NO. CV21-00243 LEK-RT  
Plaintiff, ) (Other Civil Rights)  
vs. )  
JOSEPH ROBINETTE BIDEN JR., ) DEFENDANTS DEREK  
in his official capacity as President of ) KAWAKAMI, ARRYL KANESHIRO  
the United States; KAMALA ) AND COUNTY OF KAUAI'S  
HARRIS, in her official capacity as ) MOTION TO DISMISS PLAINTIFF'S  
Vice-President and President of the ) COMPLAINT FOR DECLARATORY  
United States Senate; ADMIRAL ) AND INJUNCTIVE RELIEF FILED  
JOHN AQUILINO, in his official ) ON MAY 20, 2021 [ECF NO. 1];  
capacity a Commander, U.S. Indo- ) MEMORANDUM IN SUPPORT OF  
Pacific Command; et al., ) MOTION; EXHIBIT A;  
Defendants. ) CERTIFICATE OF SERVICE  
 )  
 ) District Judge: Hon. Leslie E.  
 ) Kobayashi  
 )  
 ) Magistrate Judge: Hon. Rom A. Trader  
 )  
 ) No Trial Date Set

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**DEFENDANTS DEREK KAWAKAMI, ARRYL KANESHIRO  
AND COUNTY OF KAUAI'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF FILED ON MAY 20, 2021 [ECF NO. 1]**

COMES NOW, Defendants DEREK KAWAKAMI, in his official capacity as Mayor of the County of Kauai ("Mayor Kawakami"), ARRYL KANESHIRO, in his official capacity as Chair of the Kauai County Council ("Chair Kaneshiro") and COUNTY OF KAUAI ("County") (collectively referred to as "County Defendants"), by and through their undersigned attorneys hereby file this Motion to Dismiss Plaintiff's Complaint for Declaratory and Injunctive Relief filed on May 20, 2021 [ECF No. 1] ("Complaint") pursuant to Rule 7 of the Federal Rules of Civil Procedure ("FRCP") and Rule 7.1 of the Local Rules of Practice for the United States District Court for the District of Hawai'i ("LR").

The motion to dismiss is made on the following grounds: (1) this Court lacks subject matter jurisdiction as required by FRCP 12(b)(1); and (2) Plaintiff HAWAIIAN KINGDOM ("Kingdom") has failed to state facts entitling it to the relief it requests as required by FRCP 12(b)(6). This motion is based on the record and files herein, argument of counsel, and any evidence adduced during the hearing on this motion.

**Hawai'i District Local Rule 7.8 Compliance**

This motion is made following the conference of counsel pursuant to LR 7.8 which took place on June 24, 2021.

DATED: Līhu‘e, Kaua‘i, Hawai‘i, July 1, 2021.

MATTHEW M. BRACKEN  
County Attorney

/s/ Mark L. Bradbury  
MARK L. BRADBURY  
Deputy County Attorney

Attorneys for Defendants  
DEREK KAWAKAMI, ARRYL  
KANESHIRO, and COUNTY OF  
KAUA‘I